

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SOUTHERN BAKERIES

Employer

and

Case 26-RD-081637

JOHN HANKINS

Petitioner

and

BAKERY, CONFECTIONARY, TOBACCO  
& GRAIN MILLERS, LOCAL 111

Union

DECISION AND ORDER

The Petitioner's Request for Review of the Regional Director's administrative dismissal of the petition is granted as it raises substantial issues warranting review. The Regional Director dismissed the petition because of a Section 8(a)(5) complaint alleging, inter alia, that the Employer unlawfully withdrew recognition from the Union. Contrary to the Regional Director, we find that because the Employer's July 3, 2013 withdrawal of recognition postdated the filing of the decertification petition on May 23, 2012, dismissal of the petition is not warranted on that ground. See NLRB Casehandling Manual, Part Two, Representation Proceedings, Section 11730.3(b); *Mark Burnett Productions*, 349 NLRB 706 (2007). While dismissal based on the Employer's alleged withdrawal of recognition was improper, we find that this conduct, if unremedied, would interfere with a free and fair election, thereby precluding the holding of an election at this time. *Mark Burnett Productions*, 349 NLRB 706, 706-707 (2007).

Accordingly, we reverse the Regional Director's dismissal of the petition, reinstate the petition, and direct the Regional Director to hold the petition in abeyance pending resolution of the unfair labor practice proceedings.<sup>1</sup> See NLRB Casehandling Manual, Part Two, Representation Proceedings, Section 11730, et seq.

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<sup>1</sup> We further observe that the latest amended Consolidated Complaint issued on January 10, 2014 alleges other 8(a)(1), (3), and (5) conduct by the Employer. A few of those allegations involve unlawful conduct predating the petition. Those pre-petition unfair labor practices could warrant dismissal of the petition, but only if it can be established that there is a causal connection between those unfair labor practices and

PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER
HARRY I. JOHNSON, III	MEMBER

Dated, Washington, D.C., March 31, 2014

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subsequent employee disaffection with the Union. *Master Slack Corp.*, 271 NLRB 78 (1984); CHM Sec. 11730.3(c), 11733.2(a)(3).

In his request for review, the Petitioner asks the Board to abandon or substantially modify the Board's blocking-charge doctrine. We find it premature to reconsider the blocking-charge doctrine here, in light of the Board's solicitation of comments concerning possible changes to the doctrine as part of the Board's recent Notice of Proposed Rulemaking regarding representation elections. See 79 Fed. Reg. 7334-7335 (Feb. 6, 2014).